

MEMO ENDORSED

LESTER SCHWAB KATZ & DWYER, LLP

120 BROADWAY
NEW YORK, N.Y. 10271-0071

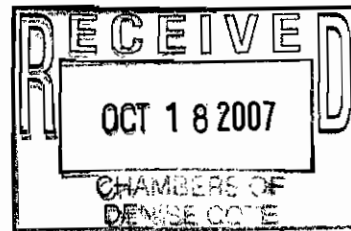
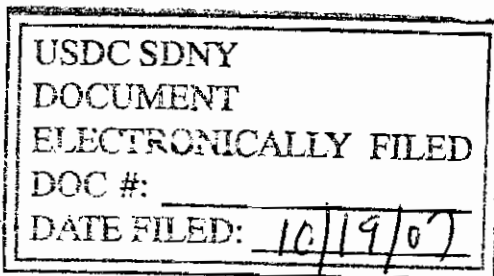
(212) 964-6611
FAX: (212) 267-5916

DENNIS M. ROTHMAN
Writer's Direct Dial: (212) 341-4343
E-Mail: drothman@lskdnylaw.com

NEW JERSEY OFFICE
24 LACKAWANNA PLAZA
MILLBURN, N.J. 07041
(973) 912-9501

October 16, 2007

Hon. Denise L. Cote
United States District Court
500 Pearl Street
New York, NY 10007



Re: Bed Bath & Beyond Inc. v. Aviva Sports, Inc., 07 CV 7925 (DLC)

Dear Judge Cote:

I ask that the initial conference set for October 31 be adjourned to November 1, 2, 5, 13 or 14, at any time suitable for the court. I am scheduled to argue a motion in Nassau County on the morning of October 31, and I have a client meeting on Long Island that afternoon.

I telephoned defense counsel Mr. Paone to ask his availability on the alternate dates I propose but he was out of the office.

Respectfully,

A handwritten signature in black ink, appearing to be "Dennis M. Rothman".

Dennis M. Rothman

cc:

Nicholas L. Paone, Esq.

932681/574-7221

*The conference is adjourned
to November 1, 2007 at
9:30 am.*

*Denise Cote
Oct 19, 2007*